

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

ACTIVEVIDEO NETWORKS, INC.  
Plaintiff/Counterclaim-Defendant,

v.

VERIZON COMMUNICATIONS INC., VERIZON  
SERVICES CORP., VERIZON VIRGINIA INC.  
AND VERIZON SOUTH INC.  
Defendants/Counterclaim-Plaintiffs.

Civil Action No. 2:10-cv-248  
RAJ/DEM

**PLAINTIFF'S AND COUNTERCLAIM-DEFENDANT'S  
FURTHER NOTICE OF APPEAL**

Plaintiff and Counterclaim-Defendant ActiveVideo Networks, Inc. ("ActiveVideo") hereby appeals to the United States Court of Appeals for the Federal Circuit from the judgment entered by the district court on August 2, 2011, (Dkt. No. 930), the amended judgment entered by the district court on October 13, 2011, (Dkt. No. 1150), which was amended on October 14, 2011, (Dkt. No. 1155), all of which were subject to further proceedings and rulings including: the November 23, 2011, Memorandum Opinion and Order Granting an Injunction, (Dkt. No. 1209); the August 17, 2011, Order granting Defendants' Motion for Judgment as a Matter of Law of Validity of U.S. Patent No. 6,169,542 and Motion for Judgment as a Matter of Law that U.S. Patent No. 7,561,214 is Not Invalid, (Dkt. No. 984); the August 17, 2011, Order granting Defendants' Motion for Judgment as a Matter of Law of No Inequitable Conduct for U.S. Patent No. 6,169,542 and Motion for Judgment as a Matter of Law on Inequitable Conduct relating to U.S. Patent No. 7,561,214, (Dkt. No. 985); the October 13, 2011, Order denying ActiveVideo's Motion for a Partial New Trial Regarding Non-Infringement of Verizon's Counterclaim U.S. Patent Nos. 7,561,214 and 6,169,542, (Dkt. No. 1151); and the October 18, 2011, Order denying

ActiveVideo's Motion for a Partial New Trial Regarding Invalidity of Verizon's Counterclaim U.S. Patent Nos. 7,561,214 and 6,169,542, (Dkt. No. 1156).

ActiveVideo also appeals from each other judgment, ruling, finding, order, and conclusion decided adversely to it that has merged into a final, appealable judgment or order, including, without limiting the generality of the foregoing, the March 23, 2011, Order (*Markman I* Order) (Dkt. No. 398); the April 7, 2011, Memorandum Opinion and Order Regarding Claim Construction (*Markman II* Order) (Dkt. No. 408); and the July 15, 2011, Order Granting in Part Verizon's Motion to Exclude Testimony of Dr. Diana Manuelian (Dkt. No. 785).

ActiveVideo filed an initial notice of appeal on September 1, 2011.

Dated: December 16, 2011

Respectfully submitted,

/s/ Stephen E. Noona  
Stephen E. Noona  
(Virginia State Bar No. 25367)  
**KAUFMAN & CANOLES, P.C.**  
150 W. Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone : (757) 624-3000  
Facsimile: (757) 624-3169  
senoona@kaufcan.com

Nathan W. McCutcheon  
(Virginia State Bar No. 36308)  
David M. Morris  
(Virginia State Bar No. 30146)  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
Telephone: (202) 739-3000  
Facsimile: (202) 739-3001  
nmccutcheon@morganlewis.com  
dmorris@morganlewis.com

Daniel Johnson, Jr.  
Michael J. Lyons  
Dion M. Bregman  
Ahren C. Hoffman  
Michael F. Carr  
**MORGAN, LEWIS & BOCKIUS, LLP**  
2 Palo Alto Square  
3000 El Camino Real, Suite 700  
Palo Alto, CA 94306-2122  
Telephone: (650) 843-4000  
Facsimile: (650) 843-4001  
djjohnson@morganlewis.com  
mlyons@morganlewis.com  
dbregman@morganlewis.com  
ahoffman@morganlewis.com  
mcarr@morganlewis.com

*Counsel for Plaintiff*

### **CERTIFICATE OF SERVICE**

I herby certify that on December 16, 2011, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Gregory N. Stillman  
(Virginia State Bar No. 14308)  
Brent L. VanNorman  
(Virginia State Bar No. 45956)  
**HUNTON & WILLIAMS, LLP**  
500 E. Main Street, Suite 1000  
Norfolk, VA 23514  
Telephone: (757) 640-5314  
Facsimile: (757) 625-7720  
gstillman@hunton.com  
bvannorman@hunton.com

Brian M. Buroker  
(Virginia State Bar No. 39581)  
Bradley T. Lennie  
Justin T. Arbes  
**HUNTON & WILLIAMS, LLP**  
1900 K Street, NW  
Washington, DC 20006  
Telephone: (202) 955-1500  
Facsimile: (202) 778-2201  
bburoker@hunton.com  
blennie@hunton.com  
jarbes@hunton.com

Henry B. Gutman  
Lisa H. Rubin  
**SIMPSON THACHER & BARTLETT LLP**  
425 Lexington Avenue  
New York, New York 10017  
Phone: (212) 455-2000  
Fax: (212) 455-2502  
hgutman@stblaw.com  
lrubin@stblaw.com

*Counsel for Defendants*

/s/ Stephen E. Noona  
Stephen E. Noona  
(Virginia State Bar No. 25367)  
**KAUFMAN & CANOLES, P.C.**  
150 W. Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624-3000  
Facsimile: (757) 624-3169  
senoona@kaufcan.com